UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1225
15 August 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1225th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 11 August 1997, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Twelfth periodic report of Sweden (continued)

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY-WARNING AND URGENT PROCEDURES

Israel

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.97-17786 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Twelfth periodic report of Sweden (CERD/C/280/Add.4; HRI/CORE/1/Add.4) (continued)

1. At the invitation of the Chairman, the members of the Swedish delegation resumed their places at the Committee table.

2. Mr. MAGNUSON (Sweden), replying to questions raised by members, said that the Swedish Government took the issue of racial equality very seriously and had appointed many government commissions and working groups to investigate various aspects of the issue.

3. He informed the Committee that Sweden had in fact taken the necessary steps to accept the amendment to article 8, paragraph 6, of the Convention in 1993.

4. In response to questions about efforts to integrate people from various backgrounds into Swedish society, he assured the Committee of his Government's full commitment to what was a very complex task.

5. Regarding Sweden's interpretation of article 4 (b) of the Convention, which had been criticized in the past, the Government had set up a commission to investigate measures to counteract ethnic discrimination. The Commission had concluded that the existing law adequately fulfilled Sweden's responsibilities under article 4 (b). It had recommended changes to two laws which would have made organized racist activities illegal but the Government had not accepted the recommendations on the grounds that the proposed measures would be difficult to enforce, and a failed attempt to prosecute a racist group would give it undesirable publicity and lend its activities a spurious legitimacy. Also, the Government was anxious not to infringe people's right to freedom of association for legitimate purposes.

6. As to why Sweden did not have any legal definition of a "national minority", States parties were not obliged to draw up such a definition under the Convention. The Swedish Government considered that people should be able to decide for themselves whether they wished to be considered Swedes, Finns or Samis, for example. Moreover, because of the freedom-of-information legislation in force in Sweden, any official information regarding a person's ethnic origin would be freely available to anyone who wished to know it.

7. Members had asked many questions about the situation of the Sami minority in Sweden. Some 600 Samis still earned their living from reindeer herding; counting their families, that meant a total of between 2,000 and 2,500 people. Reindeer herders now used helicopters, snow scooters and other items of modern-day technology. The rest of the Sami population in Sweden numbered between 15,000 and 17,000, living mainly in the Stockholm area but also in the rest of the country. They occupied a wide variety of jobs: indeed, one was an ambassador.

8. Members had asked about the Sami Parliament. People wishing to register to vote in the elections to the Sami Parliament had to fulfil one or more of the following conditions: they must use the Sami language at home; their parents or grandparents must speak Sami; they must have a parent registered to vote for the Sami Parliament; and they must consider themselves to be Samis. In the first elections to the Sami Parliament in 1993, some 70 per cent of the 5,400 people registered to vote had actually voted. In the most recent elections in 1997, only 65 per cent of the 5,900 people eligible had voted.

9. The Sami Parliament also carried out some of the tasks of a public authority. For that reason, the Chairman of its plenary session, which was its main decision-making body, was appointed by the Government. However, the Parliament had been given considerable freedom to decide on its own working methods. Its responsibilities included the allocation of resources for the benefit of the Sami people, the management of the Sami school system, the promotion of Sami culture, and participation in public planning of land use, water use, etc. in cases which might affect Sami interests. It was also responsible for allocating resources from European Union programmes in favour of the Sami people. Another responsibility was the distribution of compensation for reindeer lost to predators such as wolves and bears.

10. Members had asked about the use of minority languages. The Committee referred to in paragraph 8 of the report, which was investigating the desirability of Sweden's adhering to the Council of Europe Charter for Regional and Minority Languages and the framework Convention for the protection of national minorities, was due to report in September 1997. The issue was more complex now because many more languages were being spoken in Sweden. For instance, many Finns had moved to Sweden after the Second World War, and there was considerable debate about whether Finnish should be considered a minority language.

11. A committee to promote the rights of indigenous people had been set up in 1995. It had organized seminars on land rights and exhibitions of Sami culture and traditions.

12. With regard to Sami land rights, Sweden had not ratified the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169, 1989), because it was not compatible with Swedish law. The land on which the Samis traditionally practised reindeer herding was State property: the Samis did not own the land, but they had a strictly protected right to use it for reindeer husbandry. In all other respects, the Samis had the same rights as any other Swedish citizens to own land.

13. There were a number of special Sami schools, but most Sami children went to ordinary schools. The Sami schools were subsidized by the Government. Sami children, like all other children whose mother tongue was not Swedish, had the right to education in their mother tongue.

14. The Government provided economic support for traditional Sami occupations such as reindeer husbandry, including compensation for reindeer lost to predators or killed on railway lines and for damage resulting from

the Chernobyl nuclear accident. Government financial support amounted to approximately SKr 150 million annually, of which SKr 40 million was compensation.

15. There were some 5,000 people with a basic command of the Sami language. The situation was complicated by the existence of several dialects, with no standard form. Fewer than 500 people spoke the southern Sami dialect, and it seemed unlikely that it would survive. All Samis also spoke Swedish.

16. Sami fishing and hunting rights were protected as part of their right of usufruct in their traditional lands. In particular, large amounts of compensation had been paid in connection with hydroelectric construction schemes in the 1950s and 1960s, which had affected Sami fishing and reindeer grazing.

17. Mr. LINDQVIST (Sweden), turning to the situation of the Roma population, said that the Roma enjoyed exactly the same legal rights as everyone else in Sweden: their problem was more a sociological one. Over the past decades the central Government, the municipalities and non-governmental organizations had undertaken many projects to promote their integration into Swedish society. However, the Government was still concerned about the Roma, and had set up a commission, with representatives from the Roma population, to analyse their situation and suggest improvements. The Commission had just published its report, and had recommended that, in any action to integrate the Roma people into Swedish society, they should be seen as individuals and actors, with their own resources to offer, rather than passive recipients of Government support. The Government should help the Roma to take responsibility for their own affairs and pursue their own priorities. The main focus should be on children and young people in order to prevent the marginalization of future generations. The Commission had further recommended that a single public authority should be responsible for initiating, coordinating and monitoring measures to assist the Roma population, but it had not yet been decided which authority would take on the task.

18. Members had also asked why participation by immigrants in local elections had decreased. In fact, the Government was going beyond its commitments under the Convention by allowing aliens to vote in local elections, but it was nonetheless concerned by the declining turn-out and had commissioned research on the subject. No clear answers had been obtained, but a number of possible reasons had been put forward. Many people who had settled in Sweden since the 1970s were refugees, who presumably intended to return to their own countries in due course and might therefore not be so concerned about influencing local affairs in Sweden. The number of foreign citizens eligible to vote might have been inaccurately recorded, since many people left Sweden without taking their names off the electoral register. National and local elections were held at the same time in Sweden, and it was possible that immigrants heard mainly the media coverage connected with the national elections, in which they were not entitled to vote.

19. The research described in paragraphs 158 and 159 of the report showed that public attitudes towards immigrants and refugees were very tolerant. It had also shown that intolerance was likely to grow in conditions of unfair

distribution of resources, lack of trust in political decisions, and lack of contact between different ethnic groups. The research findings would be used for future planning.

20. Members had asked about schooling for Roma children. All children in Sweden were supposed to undergo nine years' compulsory education. However, few Roma children completed their education, not because of the schools or the teachers, but because parents kept their children, particularly their daughters, away from school.

21. The provision of home language instruction for pupils whose mother tongue was not Swedish also went beyond Sweden's commitments under the Convention. The decline in the take-up rate for home language instruction was actually very small, from 59 per cent of immigrant children in 1991 to 54 per cent in 1996.

22. Regarding the situation of second-generation immigrants, it was impossible to describe "second-generation immigrants" as a group, as they included people from an enormous variety of countries, cultures, religions and socio-economic backgrounds. Some "second-generation immigrants" had been born abroad, some in Sweden, and some had one Swedish parent. It seemed more appropriate to classify them according to their socio-economic background rather than their ethnic origin. Extensive research had, however, revealed no difference in the school performance of children of immigrant origin, as compared with those of Swedish origin.

23. With regard to the situation in areas with high concentrations of immigrants and refugees, it was important to bear in mind that Sweden was one of the most generous countries in relation to the number of asylum-seekers accepted in relation to its population size.

24. In Sweden, as in all other countries, different socio-economic groups lived in different areas. More recently, that situation had increasingly assumed an ethnic dimension, and many immigrant-related problems had emerged, particularly in the major cities. In 1996, the Government had initiated and funded a number of pilot projects in key housing areas in an effort to improve the situation, basing its approach on the ideas and activities of the local population. While the municipalities had the main responsibility for conditions in those areas, it was also a national responsibility to ensure that the efforts were successful in the long term. The project results, once evaluated, would be distributed to other municipalities.

25. Statistics showed that over 50 per cent of applicants born abroad had been granted Swedish citizenship. The citizenship rules were extremely generous: in normal cases, citizenship could be granted after five years, in the case of refugees after three years, and if a person married a Swedish citizen, in two years. Seventy-six per cent of the people from the former Yugoslavia now living in Sweden had been granted citizenship, as had 62 per cent of the Turks, 87 per cent of the Lebanese and 79 per cent of the Ethiopians.

26. With regard to the Swedish State Church, Sweden was one of the few countries which gave financial support at the local and central Government levels to the religious activities of immigrant communities and made funds available for places of religious worship.

27. Mr. MAGNUSON (Sweden) expressed surprise at a suggestion made at the Committee's previous meeting in connection with paragraphs 38 and 39 of the report, to the effect that the Swedish Government did not take racist crimes seriously. In fact the opposite was true. The Swedish Government regarded any tendency towards racism in Sweden as a very serious matter.

28. Mr. PERKLEV (Sweden), responding to questions concerning the possible contradiction in the report between paragraphs 14, 17 and 38 on the one hand, and paragraphs 158 and 159 on the other, said that the fact that most immigrants and refugees were worse off than Swedes and that the gap was widening might be due to the economic recession. None of the research had found any evidence that it was the result of increased racism or xenophobia, or ascertained other motives. Racially motivated crime was in any event against the law. According to a Security Police report, most of the perpetrators were young people in the 15 to 19 age group, many of whom were skinheads or associated with skinheads, and more than half had previous convictions for other kinds of crimes. Generally speaking, most racially motivated crime was committed by a small group of people. The surveys referred to in paragraphs 158 and 159, on the other hand, showed that racism and xenophobia had decreased in recent years. Racially motivated crime was therefore not necessarily a reflection of public opinion.

29. With regard to the organizations mentioned by Mr. Yutzis, neither New Democracy nor Swedish Democrats could be considered racist, although both were right-wing political parties which were critical of the Government's immigration policies. Neither party supported racist idealogy nor was represented in Parliament. The White Area Resistance Group no longer existed. Other organizations had a very limited number of active followers and could hardly be considered to be formal organizations. According to the Security Police, such groups tended after a time to split into new groups. Most racially motivated crime was unconnected with any particular racist group. However small the group, the Government kept a close eye on them and monitored their activities closely.

30. Compact discs containing so-called White Power music did not appear to be important in spreading racism among young people. In December 1996, one person had been convicted of agitation against an ethnic group under the Fundamental Law on Freedom of Expression for producing and distributing such discs and had been sentenced to one month's imprisonment. The records had been confiscated. Another similar case was in progress, and other cases were pending. The production and distribution of compact discs of that kind was not censored under Sweden's constitutional law.

31. As to whether it was a punishable offence to wear black uniforms and ancient Nordic symbols at public meetings, the Supreme Court had, in October 1996, ruled that the wearing of traditional symbols in public might be considered agitation against an ethnic group and therefore punishable, but it

was difficult to define what kind of clothing or symbols were unacceptable and the matter could only be settled by the courts in the light of all the circumstances.

32. With regard to the two neo-Nazi marches which had taken place in 1996, while the Constitution guaranteed all citizens freedom of assembly and freedom to demonstrate, such freedoms could be restricted in the interests of public safety and public order. The police could not refuse permission for a march or demonstration on political or ideological grounds, but they could and would take action against the perpetrators of any crimes committed during such an event. At one of the demonstrations referred to, the police action had not been successful but folliwng the second, seven persons had been charged and convicted for agitation against ethnic groups; five of them had been sentenced to two months' imprisonment, and the other two, who were younger, had been fined.

33. With regard to questions in respect of paragraph 37 of the report, in addition to the information given, the Prosecutor-General had recently sent out questionnaires to police districts concerning the way in which racially motivated crime was handled. The questionnaires were due for completion by the end of August 1997 and would then be evaluated.

34. The National Police Board had held two seminars in 1996 on racism and xenophobia which had been so successful that several police districts had followed their example. In May 1997, the National Police Board had published a book to increase people's knowledge of the police and would shortly be bringing out two other books, one on combating racially motivated crime, and the other on legal aspects.

35. The expression "counter-violence" in paragraph 38 of the report, referred to the violent attacks in recent years on Nazi and racist demonstrations by militant anti-racist or anti-fascist groups and individuals, some of whom belonged to anarchist groups or networks and often appeared masked and armed with "street weapons".

36. Mr. MAGNUSON (Sweden), referring to questions on paragraph 47 of the report, said that the focus of the Act against Ethnic Discrimination and of the work of the Ombudsman against Ethnic Discrimination was the labour market. When the bill had been drafted, it had been reasoned that some kind of objective criterion was needed to determine whether or not ethnic reasons had prevented a person from being hired. The Act had been little used and was being reviewed in its entirety.

37. With regard to the meaning of "unlawful discrimination", the crime of unlawful discrimination had been introduced into Swedish legislation to bring it into line with the provisions of the Convention. It was for the courts to establish whether or not unlawful discrimination had taken place.

38. As to the reason for the recent decrease in the number of asylum seekers and refugees, Sweden, like other countries, had strict immigration laws, and many people, both job seekers and asylum seekers, were turned away unless humanitarian reasons for their admission could be proved. Mrs. Castilla Perez

had had to return to Peru because she had not been considered to be in need of protection as a refugee. Residence permits, once granted, were extended for as long as the persons concerned continued to live in Sweden. Integration had nothing to do with the extension or otherwise of a residence permit.

39. The report to the Committee was not published, but in Sweden official documents held by the public authorities were available to anyone on request. The Ombudsman against Discrimination was involved in the report only indirectly, in that he might submit information to the Ministry of the Interior which in turn would submit it to the Ministry of Foreign Affairs which was responsible for producing the report.

40. In addition to Sami schools, there were Finnish, German, English, French, Estonian, Jewish and Muslim schools, amongst others. In principle, anyone wishing to open a school could do so provided that the national curricula established in the School Act were taught at the school.

41. As to whether immigrants or people belonging to ethnic minorities reached the higher echelons of society, although there were no statistics on the question, there were two ambassadors with Sami backgrounds, as well as one member of the Government who had been born in Latvia and another who was a second-generation immigrant. Several members of Parliament had foreign backgrounds as did several in local government. In business the situation varied: one of the richest persons in Sweden was an Italian who owned most of Europe's bicycle industry, but for newcomers the situation was more difficult because they usually arrived without jobs and needed time to achieve success.

42. The Swedish State Church, which had been established in 1592, was to be abolished in 2000 by a new law which would place it on the same footing as other religions. The reason why people not belonging to the Church had to pay a Church tax was that in most communities, other than in Stockholm, the Church was responsible for the cemeteries. That situation would undoubtedly change under the new law.

43. Mr. WOLFRUM expressed his appreciation for the information concerning the Sami Parliament and in particular the criteria for registering as a Sami, which were in full conformity with both the Convention and a general recommendation by the Committee. Such a sophisticated catalogue of criteria had not been seen before, and it would be useful to have the information in writing for further analysis both in the Committee and elsewhere.

44. It was evident from the information given that the Swedish Government faced some kind of dilemma as far as the Finnish group was concerned, but it was difficult to understand why the newer arrivals should not be treated in the same way as the old community. As the issue was being looked into, it was to be hoped that all Finns in Sweden would receive equal treatment in the near future.

45. Questions had been raised regarding mother tongue instruction because it had been mentioned in paragraph 122 of the report. It would have been useful to have had a fuller account of the situation, including a comparison with previous years.

46. The interpretation given by Sweden to article 4 (b) was unacceptable. The Vienna Convention on the Law of Treaties provided that the interpretation of treaty provisions should be based on the terminology and words used. The words "shall declare illegal and prohibit organizations ..." were perfectly clear and it was not sufficient for the Swedish Government simply to make it very difficult for such organizations to function. Sweden's point that prohibition would constitute a limitation on freedom of association just as article 4 (a) constituted a limitation on freedom of expression was understandable. Nevertheless, the obligation accepted by the Swedish Government was to prohibit such organizations. The argument - which other Governments, too, had put forward - that such organizations should not be overemphasized because of their limited membership and activities was also understandable, yet it was important to bear in mind that in Germany it had taken the Nazi party only three years to increase its votes from 2 per cent to 25 per cent. While nothing comparable would ever happen in Sweden, the German experience showed that the argument was not really valid and it was sometimes necessary to ban small organizations before they acquired the political status that would make them much more difficult to deal with under criminal law.

47. Mr. GAFUROV said that his question about the definition of the word "minority" had been based on paragraph 8 of the report. He had taken it that the minority groups referred to therein, the Roma, the Sami and the "Tornedal Finns", would be the focus of the attention of the committee concerned. Paragraph 3, however, had referred to other minorities which were greater in number than the Sami and the Roma, which was why he had not been fully satisfied with the Swedish delegation's reply.

48. Mr. DIACONU said that, although there was no obligation for a State party to determine which minority groups or individuals lived in its territory or to include reference to ethnic origin on official or personal documents, the Swedish Government appeared to have decided that it only had three minority groups and he wondered whether it had asked other groups or individuals to identify themselves and, if so, why they did not appear alongside the Roma, the Sami and the Finns. Conducting a census which included questions about ethnic origin was not tantamount to discrimination provided such information was not put on personal files but was used to provide objective criteria.

49. In addition, whereas some immigrants became assimilated into society, history showed that the majority maintained their identity, and that identity should be recognized. That naturally involved a political decision, and affected countries other than Sweden, but he trusted that a solution would be found.

50. Mr. SHAHI asked whether the Swedish Government could take action on racist propaganda emanating from Sweden via the Internet.

51. Mr. RECHETOV said that although the Swedish Government's treatment of the Sami probably made for a more stable society, the Sami people living in other countries such as the Russian Federation and Canada probably enjoyed more preferential treatment. Compared with Norway's approach to the Sami people, which showed concern for the survival of their language, the Swedes

seemed to adopt a more legalistic, almost indifferent approach. In contrast to the Sami people in other countries, the Sami in Sweden might have to abandon any hope of retaining their traditional right to carry out economic activities on 25 to 30 per cent of Swedish territory.

52. Mr. MAGNUSON (Sweden) regretted that his delegation and Mr. Wolfrum could not reach an agreement on the interpretation of article 4, paragraphs (a) and (b). Sweden, through legislation, sought to combat any expression of racism but did so as any other State party should in response to its own perceived imperatives.

53. The Finns had every right to identify themselves as members of a national minority but the question remained whether Finnish should be declared an official language used in the public service. The matter required further study because of the language spoken by Tornedal Finns was a variant of Finnish and was written differently. Decisions were pending on whether to give new status to the three minority languages traditionally spoken in Sweden, i.e. those of the Roma, the Tornedal Finns and the Sami. He regretted that the Swedish treatment of the issue had not met with the satisfaction of the Committee.

54. Mr. PERKLEV (Sweden) said that individuals in Sweden who used the Internet to disseminate racist information could be prosecuted under the Penal Code. In fact there was currently such a case before a court in Sweden.

55. Mr. YUTZIS (Country Rapporteur) touched on the link between subjective and objective recognition of ethnic minorities. The Swedish Government's position on the issue was to its credit insofar as it respected the right of each individual to choose whether or not it identified itself with an ethnic minority. Such subjective recognition, however, should be accompanied by two forms of objective recognition. Firstly, efforts should be made by all States parties under the Convention to protect, promote and ensure the well-being of their minorities. Secondly, they should also provide the legal framework to formally recognize such minorities, and in the case of Sweden it was a logical consequence of action it had already taken.

56. The delegation of Sweden recognized that the Samis had the right to hunt and fish and to engage in reindeer husbandry. After the creation of the Sami Parliament however special authorization had apparently been withdrawn. Clarification was needed on that point.

57. From the Swedish report it was clear that vigorous but vain efforts had been made to improve the condition of the Roma people. Sweden saw the lack of improvement in their condition as a social and not a legal problem. Nevertheless the question remained as to why the Roma people lacked the motivation to improve their social condition. It was a question that not only Sweden but other countries, too, had to address.

58. Sweden's defence of democracy and the right to freedom of expression were very commendable. Nevertheless any democracy should defend itself against attacks, of a racist nature for example which threatened to undermine social cohesiveness.

59. Furthermore, Sweden had not entered any reservations to article 4 of the Convention, which condemned all forms of racist propaganda and called upon States parties to declare illegal and prohibit organizations which disseminated such information. It was hoped that Sweden would recognize the historical wisdom that informed the wording of article 4 since in the recent past, the Committee had witnessed a rise in the incidence of race-related situations, xenophobia and discrimination in most countries, even those with a good record in that regard.

60. Clarifying his statements about the two political parties in Sweden which had uttered very strong statements on immigration, he pointed out that at no time had he said that they were racist. The parties' hardline position on immigration should be taken as symptoms of a situation which the Swedish Government should take seriously. Although there had been a reduction in the extent of racist activity in the recent past it should be seen against the wider backdrop of the dramatic increase in such activities over the past 6 to 10 years. Thanking the Swedish delegation, he expressed the hope that answers to the points raised would be forthcoming in the next report.

61. The CHAIRMAN, commending Sweden's efforts to comply with its obligations under the Convention, said that the Committee looked forward to a resumption of its very useful dialogue with the State party.

62. The delegation of Sweden withdrew.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 4) (continued)

Israel

63. At the invitation of the Chairman, the members of the delegation of Israel took their places at the Committee table.

64. The CHAIRMAN, recalling the Committee's practice, commended by the General Assembly, of scheduling consideration of situations in States parties under its early warning and urgent procedure as adopted in 1993, said that the procedure, intended as a preventive measure, often involved responding to rapidly changing circumstances in States parties. He also drew attention to document CERD/C/324, paragraph 4, which provided that the Committee might also, at its discretion, schedule the consideration of other States parties at short notice - i.e. States other than those listed. Israel had been duly informed on 6 June 1997 of being scheduled for consideration and there was no justification for any assumption that removing Israel from the agenda under item 5 thereby removed it from consideration under item 4.

65. Any discussion of the Committee's action in scheduling specific States parties under item 4 should be placed within the appropriate context. Such discussion should be informed by the Committee's recent action in connection with other States parties, including Algeria, Mexico and the Russian Federation, and by its decision 3 (45) on racist acts of terrorism.

66. Mr. LAMDAN (Israel) said that he believed that Israel should not have been summoned to the Committee's meeting for consideration under its early

warning and urgent procedures. Nonetheless his delegation had come out of deference to the Chairman and the Committee even though thus far it had not been given any indication of the Committee's concerns, which he hoped would be set forth presently.

67. Mr. van BOVEN (Country Rapporteur) recalled some of the criteria developed by the Committee in 1993 to deal more consistently with the prevention of racial discrimination, including early warning and urgent procedures. The criteria warranting early warning and urgent procedures could include the presence of a serious, massive or persistent pattern of racial discrimination; a serious situation and a risk of further racial discrimination; and the presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other officials. Israel had been put on the agenda in the light of those criteria. Israel was only one of between 10 and 15 countries which had been in circumstances warranting early warning and urgent procedures in recent years. Those procedures were distinct from the regular monitoring procedure based on periodic reports. The Committee was grateful for Israel's decision to attend and to further the dialogue on the situation.

68. The Committee was neither a tribunal nor a political body, but a monitoring body assessing States' implementation of the Convention and advising them; that might also apply to situations requiring preventive action. Country rapporteurs had no mandate to speak on behalf of the Committee; their role was to conduct research and to report on their findings and also give views and advice in the hope that it would be of benefit to the Committee.

69. Referring to the Committee's concluding observations adopted on 18 August 1994 (A/49/18, paras. 82-91) and its decision 3(45) of 1994 (A/49/18, para. 109 and Annex III) and statement of 6 March 1996 (A/51/18, Annex III) on terrorist attacks, he said that the Committee was on record as fully supporting the Middle East peace process and totally rejecting and condemning all racist terrorist acts. The current stalemate in the peace process and continued perpetration of racist terrorist acts and of other acts of racial violence were of grave concern to the Committee, touching at the very heart of the Convention.

70. It was hoped that the Middle East peace process would be guided by the principles enshrined in preambular paragraph 10 and articles 2, paragraph 1 (e), and 7 of the Convention. Furthermore, article 4 was an imperative prescription in combating racist terrorist acts and other acts of racial violence.

71. It was crucial that the peace process be revived as a pledge of good faith on all sides and that all agreements reached be observed and implemented. Compliance with the Convention should be considered an essential ingredient of the peace process. While there was a strong movement for peace on both sides, there were also extremist persons, groups and organizations on both sides that wished to destroy the peace process, flout the basic

principles of human rights, including those enshrined in the Convention, incited, propagated and practised racial violence and committed racist terrorist acts.

72. In its concluding observations of 18 August 1994, CERD had welcomed the outlawing by Israel of certain extremist Jewish groups as terrorist organizations and indications that similar action would be taken against other terrorist groups but it seemed that those groups, and others, were continuing their racist activities. That was a matter of deep concern in the light of article 4 of the Convention. By the same token the racially motivated terrorist acts for which the Islamic Resistance Movement (Hamas) had claimed responsibility, and the content of the Hamas Charter, which perpetuated racist stereotypes against Jews, promoted racial hatred and incited to violence were also a cause for grave concern. In the light of article 4 of the Convention and the Committee's decision 3(45), the Committee might consider appropriate recommendations with regard to such organizations, including their international ramifications.

73. He further drew attention to the Committee's 1994 concluding observations regarding the Israeli Government's settlement policy in the occupied territories as an obstacle to peace and the enjoyment of human rights by the whole population in the region. With the expansion of the settlements and the lifting of the freeze on settlement activity, the issue had recently become a source of increasing concern and tension.

74. The Palestinian suicide bombings in Jerusalem, which should be condemned in the strongest terms, had again led the Government of Israel to the closure of the occupied territories, with devastating effects on the Palestinian inhabitants. The Director-General of the International Labour Office (ILO) had stated in response to similar past measures that there was no evidence of the effectiveness of those stringent measures against terrorism, and the resulting economic pressure could only increase the population's resentment. In the same vein, Uri Avnery, leader of the Israeli peace movement Gush Shalom, had written in the International Herald Tribune on 8 August 1997 that it was "naive" to think that the closure would isolate the terrorists, predicting a major outbreak of violence, led by religious fanatics on both sides, bringing a political disaster and chaos to the whole region.

75. Mr. ABOUL-NASR said the Committee could not remain indifferent to the recent measures taken by the Israeli Government and their effect on the peace process and on the implementation of human rights in general. That form of collective punishment was contrary to the Convention and to the agreements under which the occupied territories were governed. The measures would not help the achievement of peace based on justice. While there was no justification whatsoever for terrorist attacks, such acts had not occurred in a vacuum, but had followed a long process of measures taken by the Government, particularly the new Government, during the past year, including the digging of a tunnel near a mosque and the erection of a shrine - now visited by extremist groups - to the criminal who had massacred the Palestinians praying at the Tomb of the Patriarchs. While the Israeli Government had condemned that horrible act, it had left wounds in all Muslim countries which could not be easily forgotten. There were also the building of settlements on Arab

lands in the occupied territories and the destruction of homes allegedly built without a permit; both those measures had been condemned by General Assembly resolutions in 1997.

76. Eminent Israelis had recently expressed strong condemnation of the recent collective punishment measures and the extent to which they affected the peace process. They had called on the Government to rescind those acts, which were making life difficult for the Palestinians and, even more importantly, were playing into the hands of the extremists. The excuse of security was a poor one; no one could guarantee 100 per cent airtight measures against terrorism, and even the Israeli Government had been unable to stop the assassination of its own Prime Minister. According to the CNN television network, Prime Minister Netanyahu did not know who the suicide bombers were or where they had come from; why, then, was the Government punishing the entire Palestinian people? The Committee should make a clear pronouncement on the situation. The Palestinians could not move freely, go to their hospitals or to their jobs; their assets were frozen in the banks, and they were losing $9 million a day as a result of the closure. Extremists should not be encouraged to repeat terrorist acts through such measures as the closure; violence bred violence.

77. Mr. VALENCIA RODRIGUEZ said that even though the Committee was not a political body, the political context underlying the situation in Israel was relevant to the issues of racial discrimination within its purview, and warranted action under its early warning and urgent procedures. The Committee's first obligation was to ask the protagonists in the Middle East to continue the peace process and avoid any acts that would aggravate an already difficult situation. It should also condemn the wave of violence sweeping over the region, part of which originated in racial and ethnic hatred.

78. Mr. RECHETOV said the State party was to be commended for coming to hear the Committee's views on the matter, despite its very serious doubt as to the need for such a meeting; the Committee should ensure that the meeting did not provide a pretext for any headlines that might impede a solution. He supported the unequivocal condemnation of terrorism in all its different forms - national; international, without the direct participation of States; and State terrorism.

79. For many years, the General Assembly had addressed the question not only of condemning terrorism but also of eradicating those forms of terrorism and violence which arose from poverty and despair and led some people to sacrifice lives, including their own, with a view to bringing about radical changes. That could be applied to acts of terrorism occurring on various sides in the Middle East. Tensions had recently escalated there, as a result of the attempts by the Israeli authorities to change the demographic composition of the territory, a situation covered by the Geneva Conventions.

80. The Committee should give due thought to what the result of the present meeting should be; yet another decision would not have much impact. Rather, the Committee's views should be communicated to the Government so that they could be taken into account in the restoration of the peace process. The

Committee should promote the resumption of relations between the Palestinians and the Israelis and should avoid taking any hasty action that might prevent such an outcome.

81. Mr. de GOUTTES commended the Israeli delegation for appearing before the Committee despite its reticence about the relevance to Israel of the early warning procedure. Regarding the applicability of the Convention to the occupied territories, in its concluding observations of August 1994 the Committee had reaffirmed its position of principle that, as Israel was a party to the Convention, the Committee was competent to examine the manner in which Israel was fulfilling its obligations under the Convention with respect to everyone falling under the jurisdiction of Israel, including all persons living in the territories occupied by Israel.

82. He would like the delegation to address information received from the International Federation of Human Rights (IFHR) and the Association for Civil Rights in Israel (ACRI); it was accepted that the Committee could draw on sources from non-governmental organizations (NGOs). According to those sources, there were several subjects of concern. The first was the controversial "Handling Claims" draft law, which was purportedly aimed at reducing, on a discriminatory basis, the possibility of compensating those killed or wounded by security forces in the occupied territories, and also at a disturbing expansion of the notion of "combatant activity", which would exempt the Israeli defence forces and other security troops from any civil liability. According to IFHR, ACRI had taken a critical stand against the draft law.

83. The second subject of concern had to do with Israeli policy towards residents, which had been amended retroactively and now provided that Palestinians who had not lived continuously within Jerusalem city limits, even if their residence had been interrupted for less than seven years, would be refused an extension of their residents' status. That meant that some of them, even some living just a few kilometres from the city, would already be victims of the new policy. Also of concern was the intention, announced by the Minister of the Interior, to replace the identity cards of all citizens and residents within the next six months.

84. Another problem on which he sought a reply concerned the difficult, even inhuman prison conditions of Palestinian inmates, who were not always assisted by the lawyers of their choice and experienced difficulties in obtaining permission for visits from their families. There were concerns about the violence and excessive use of force by the Israeli police; discrimination between Jews and Arab citizens of Israel, including Bedouins, in terms of schooling, housing and employment; and the very difficult working conditions and poverty of foreign migrant workers, who according to ACRI numbered 100,000.

85. Mr. YUTZIS regretted that there were still no results of the investigation into responsibility for the extremist attack committed several years earlier in Buenos Aires not just against the Jewish community but against the Argentine community as a whole, since many Argentines had died in the attack. The borderline between the political and the humanitarian was not

always clear; in the present discussion, he would emphasize the humanitarian aspects. In the history of extremism, a traditional tactic in extremist circles, was to follow the motto "the worse it is, the better".

86. The innocent victims caught in the middle of a conflict were not responsible and should not pay the consequences, but that was often what happened. He wondered what Israel thought could be done about those who said, "the worse it is, the better", and the fact that in the present situation, the worst consequences were usually suffered by those who could not defend themselves.

The meeting rose at 1 p.m.